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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/089,243	06/07/2002	Eiji Tsuru	112410	4534

7590  
Oliff & Berridge  
PO Box 19928  
Alexandria, VA 22320

10/01/2003

EXAMINER

STORMER, RUSSELL D

ART UNIT	PAPER NUMBER
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3617

DATE MAILED: 10/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/089243

Applicant(s)

Examiner

Group Art Unit

--The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address--

## Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE - 3 - MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- ☒ Responsive to communication(s) filed on JUNE 19, 2003
- ☐ This action is FINAL.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1-25 is/are pending in the application.
- Of the above claim(s) 11-25 is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1-10 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☒ The drawing(s) filed on JUNE 7, 2002 is/are objected to by the Examiner.
- ☒ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
- ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

\*Certified copies not received: \_\_\_\_\_.

## Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 15
- ☒ Notice of References Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other \_\_\_\_\_

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***Election/Restriction***

1. Applicant's election with traverse of claims 1-10, readable on the embodiment of Group I, figures 1-6 in Paper No. 7 is acknowledged. The traversal is on the grounds that a search of all three inventions and all four species can be performed without undue burden on the Examiner. This is not found persuasive because the additional time required to analyze the additional inventions and species, and to search the additional claims drawn to the additional inventions and species would constitute a serious, extreme, and undue burden on the Examiner, who is given a finite amount of time to search an application and write an office action.

The requirement is still deemed proper and is therefore made FINAL.

2. Claims 11-25 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper No. 7.

***Information Disclosure Statement***

3. The information disclosure statement filed October 22, 2002 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance of the single page of the reference GB 2330810. This document is not listed on the IDS. It has been placed in the application file, but the information referred to therein has not been considered.

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Further, the Japanese documents listed on the IDS filed October 22, 2002 were not included with the statement. However, these documents were listed on the IDS filed March 28, 2002, and copies were included in that statement.

### ***Drawings***

4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the ends of the cords located at a posterior of the cores as set forth in claims 3-5 must be shown or the feature canceled from the claims. **No new matter should be entered.**

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Specification***

5. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter in accordance with 37 CFR 1.75(d)(1).

There is no description of the ends of the cords being located at a posterior region of a core as set forth in claims 3-5.

There is no description of the use of a bias sheet as set forth in claims 7 and 9.

See MPEP § 608.01(o).

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### ***Claim Objections***

6. Claims 1-10 are objected to because of the following informalities:

In claim 1, the phrase “as seen from the belt side” is confusing since one should not have to see the belt to understand the claim. The overlap should be defined in terms of the sides of the belt or a plane of the belt.

In line 2 of claim 2, the term “a” should be changed to --an-- (both occurrences).

In claims 3-5 the “posterior region” of the cores are inferentially set forth and therefore it is not clear where this region would be. The cores have not been defined as having any front, rear, sides, etc.

In claim 6 the term “most” is indefinite as one of ordinary skill could not ascertain the limitations of the claim with respect to what is meant by “most” of the cord.

In claim 8 the term “essentially” every cord is indefinite as it is not clear if this means every cord, almost every cord, or how many cords are not included and those of ordinary skill could not ascertain the metes and bounds of the claim.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-6, 8, and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by

Japanese patent application 6-1271 (cited by Applicant).

The ends of the cords are assembled so that they overlap one another. With respect to claims 3-5, figure 11 shows the ends of the cords located near the posterior of a core body.

9. Claims 1, 2, 6, 8, and 10 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Japanese patent application 11-300846 (cited by Applicant).

### *Claim Rejections - 35 USC § 103*

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Japanese 6-1271 in view of Paul.

For the belt of Japanese 6-1271 to include a bias sheet would have been obvious as taught by Paul in order to stiffen the belt. Note the sheets 4 and 5 of Paul which are considered to be bias sheets.

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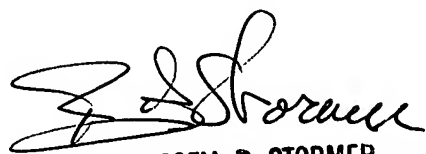
***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The references show other belts having cords in which the ends of the cords are arranged adjacent each other.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Russell D. Stormer whose telephone number is (703) 308-1113.

rds

September 6, 2003

  
RUSSELL D. STORMER  
PRIMARY EXAMINER 9/6/03